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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SKYWEST PILOTS ALPA ORGANIZING  
COMMITTEE, *et al.*,

Plaintiffs,

vs.

SKYWEST AIRLINES, INC.,

Defendant.

CASE NO. 07

JL  
2688

DECLARATION OF  
TRACY SHRIER IN SUPPORT OF  
TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION

### DECLARATION OF TRACY SHRIER

1. I have been employed as an airline pilot at SkyWest Airlines since February, 1998. I have flown in various seats and airplanes, and currently fly as a captain on the Canadair Regional Jet. I have also worked as a ground instructor for SkyWest.
2. I have been an open and public member of the SkyWest Pilots ALPA Organizing Committee since the spring of 2006. The SkyWest Pilots ALPA Organizing Committee (the "OC") was formed in 2005 to encourage SkyWest pilots to petition to the National Mediation Board for a representation election and to elect the Air Line Pilots Association, Intl. ("ALPA") as their representative. The SkyWest pilots are currently unrepresented.
3. At the beginning of the campaign, ALPA provided all members of the OC with dark colored lanyards with "Air Line Pilots Association, Int'l" written on them in white ink. Wearing an ALPA lanyard is intended as a show of our support for the campaign and as a method by which other pilots can identify ALPA supporters.
4. Most members of the OC, including myself, started regularly wearing ALPA lanyards while on duty in July or August of 2006. Soon after I started wearing mine, I had an incident with Capt. Tony Fizer, at the time Chief Pilot in Salt Lake City.
5. I was on my way to the plane I was assigned to fly at Salt Lake City International Airport when I encountered Captain Fizer by the concourse door leading to the airplane. This doorway is on the ground level and is the door by which all crew members and passengers access the airplane. Capt. Fizer was waiting for me at the door, which is not in the same area of the airport as the SkyWest crew room.
6. Capt. Fizer instructed me to take off the ALPA lanyard I was wearing. I asked him why I should. Capt. Fizer informed me that the lanyard was not compliant with the SkyWest uniform policy prohibiting lanyards that display a logo other than the SkyWest logo. I responded that if we went back to the crew room, we would both see that a large percentage of the pilots wear non-conforming lanyards. I told him I would not remove the lanyard and suggested that he put a copy of the policy in my mailbox back in the crew room, and that I would review the policy upon my return, as the flight I was assigned to fly was going to be departing soon.

7. Capt. Fizer then commanded me, in those words, to take off the lanyard. Again I declined to remove the lanyard. He then told me that he was taking me off the trip and instructed me to follow him into his office in the crew room.

8. As instructed, I followed him to the crew room. Prior to inviting me into his office, he had me wait outside while he made a phone call. While waiting, I noticed a number of other pilots in the crew room wearing non-compliant lanyards, including lanyards for various airplane manufacturers, lanyards with logos of various sports teams and other colored lanyards. Prior to my affiliation with the OC, I always wore a "Snowbird Ski Area" lanyard and had never been asked to remove it or been informed that it violated SkyWest uniform policy.

9. When Capt. Fizer invited me into his office, he showed me two different computer screens. One computer showed the lanyard policy from the Operations Manual and the other showed the company policy on insubordination. I told him that I noticed the uniform policy was not normally enforced so I was not sure why he was making an issue of it today. Capt. Fizer was not pleased with my response and we continued the conversation. I told him that I felt singled out and that I was not being treated fairly.

10. After a continued exchange on the topic, Capt. Fizer told me that he was prepared to seek disciplinary proceedings in response to my behavior that day. I again told him I felt singled out and Capt. Fizer began to raise his voice. He again instructed me to wait outside and made another phone call. As before, while waiting I surveyed the crew room and noticed an assortment of non-compliant lanyards similar to the ones present during my previous stint outside Capt. Fizer's office.

13. Although I was not ultimately disciplined for wearing the ALPA lanyard, since my encounter with Capt. Fizer, I have worn a standard black lanyard with no logos on it. While I have seen others continuing to violate the policy, I do not wear my ALPA lanyard while on duty and would not feel comfortable doing so in light of my encounter with Capt. Fizer.

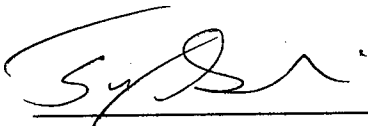
14. In another incident, on April 2, 2007, Capt. Phil Alford, Capt. Marc Johnson and I went to the training center to hand out fliers advertising an ALPA information session to be held at a local restaurant that night. The training center is a facility maintained by SkyWest near Salt Lake City International Airport in which newly hired pilots and current pilots seeking an upgrade attend classes. Upon our arrival at the training center, we parked in the parking lot and positioned ourselves on the sidewalk outside the building, near the front entrance. As classes dismissed for the day, we handed out

fliers to the pilots who were returning to their hotels. Because of the nature of pilots' jobs, pilots rarely convene in a single location. The training center is therefore one of the only locations where we can make personal contact with a large number of pilots.

15. Approximately 45 minutes after we arrived at the training center, we were confronted by Capt. Shane Losse, a SkyWest manager at the training center. Capt. Losse rounded up the three of us and told us he had received a call from Capt. Dave Faddis, SkyWest's Director of Flight Training, and that Capt. Faddis told him to remove us from the area because solicitation was not allowed on SkyWest property. Capt. Losse suggested that we remove ourselves to a sidewalk in front of a fire station, roughly half a mile up the road and out of the way of the training pilots' standard route back to their hotels.

16. Since that time, we have restricted our efforts at handing out fliers at local hotels in which we know SkyWest houses pilots while they are in training. Attendance at the information sessions has not been as high since our removal from the training center. In my experience, the event held the night we handed out fliers at the training center was the best attended meeting we have had at the restaurant. I believe our brief access to the pilots was a main reason that meeting was so well attended and that our subsequent inability to reach out to them has lowered the attendance at later meetings.

Under penalty of perjury, I swear that the information contained herein is complete and accurate to the best of my ability and recollection.

  
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Tracy Shrier

19 May 07  
Date